

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-21 in the application. In a previous response, the Applicants amended Claims 1, 8, and 15 and canceled Claims 2-3, 9-10, and 16-17 without prejudice or disclaimer. In the present response, the Applicants have amended Claim 8 only to address the Examiner's Claim objection. No new matter has been added, and as such, no new search is required. Accordingly, Claims 1, 4-8, 11-15, and 18-21 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has requested pertinent pages of the reference or the reference in its entirety entitled "Electronic Payment Systems" by Donal O'Mahony, Michael Peirce, and Hitesh Tewart, Artech House (1997) as cited in the Applicant's Specification. Please find a copy of this book with this response.

The Examiner has objected to Claim 8 as containing informalities and improper method claim format. The Applicants, however, maintain that the claim, as originally submitted, is full, clear, concise, and in exact terms, enabling any person skilled in the art to make and use the invention as claimed. In an effort to expedite prosecution and allowance of the application, the Applicants have amended Claim 8 as suggested by the Examiner. Accordingly, the Applicants respectfully request the Examiner to withdraw the objection to Claim 8.

II. Rejection of Claim 1 under 35 U.S.C. §103

The Examiner has rejected Claim 1 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. EP 0917327 by Nikander. The Applicants respectfully disagree since Nikander does not teach or suggest retrieving content responsive to a content request and wirelessly transmitting the content to a requestor as recited in independent Claim 1.

Nikander teaches that after receiving electronic money, the merchant 130 continues with producing the requested service or merchandise. (*See* column 4, line 58, through column 5, line 2.) Thus, Nikander teaches that the merchant 130 fulfills the service or merchandise request upon receiving electronic money. The Applicants fail to find, however, where Nikander wirelessly transmits a requested service or merchandise to a requestor, or even how it is possible to wirelessly transmit merchandise. As such, Nikander does not teach retrieving content responsive to a content request and wirelessly transmitting the content to a requestor as recited in independent Claim 1. Furthermore, Nikander doesn't suggest the same.

Nikander relates to electronic monetary systems in general and in particular to measures for making their use easier for an average provider. (*See* paragraph 1.) Nikander uses an Internet Service Provider (ISP) to provide an electronic payment transaction system in a node joining a first telecommunications network and a second telecommunications network, the system comprising an electronic payment intercepting means to allow for multiple types of electronic money to be universally handled by the electronic payment transaction system of the ISP. (*See* paragraph 10 and 22 and Figure 4.) In Nikander, the electronic payment system has an intercepting means 120 which redirects a payment request from a merchant 130 to a control unit 122, which sends

conventional accounting signals corresponding to the payment via an SSP 106 to the user's local telephone exchange 104, where the corresponding sum is added to the user's telephone bill. (See paragraph 17 and Figure 3.) Thus, the payment request from a merchant is eventually invoiced and subsequently paid from a user's local telephone account. In another embodiment, Nikander discloses that instead of adding the payment amount to a user's local telephone account, the ISP sends a user a separate invoice. (See paragraph 33.) As such, Nikander addresses how disparate merchants can effectively receive payment for services and merchandise electronically from a customer. However, the Applicants find no suggestion of fulfilling a request of a customer by wirelessly transmitting the requested service or merchandise to the customer as recited in independent Claim 1.

Therefore, Nikander does not establish a *prima facie* case of obviousness of Claim 1. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claim 1 and allow issuance thereof.

III. Rejection of Claims 4-7, 11-14 and 18-21 under 35 U.S.C. §103

The Examiner has rejected Claims 4-7, 11-14 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Nikander in view of International Publication No. WO 01/57617 by Blackson, *et al.* The Applicants respectfully disagree.

As established above, Nikander does not establish a *prima facie* case of obviousness of independent Claim 1. Analogously, Nikander does not establish a *prima facie* case of obviousness of independent Claims 8 and 15. The Applicants do not find where Blackson cures the deficiencies of

Nikander. Additionally, the Examiner does not cite Blackson to cure the deficiencies of Nikander but to teach the subject matter of the above mentioned dependent Claims. As such, the cited combination of Nikander and Blackson does not establish a *prima facie* case of obviousness of independent Claims 1, 8, and 15 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 4-7, 11-14 and 18-21 and allow issuance thereof.

IV. Rejection of Claims 8 and 15 under 35 U.S.C. §103

The Examiner has rejected Claims 8 and 15 under 35 U.S.C. §103(a) as being unpatentable over Blackson, *et al.* The Applicants respectfully disagree since Blackson does not teach or suggest wirelessly receiving payment information and a content request from a requestor as recited in independent Claims 8 and 15.

Blackson teaches an ATM including at least one input device 16 such as a keypad or selection buttons which enable the user to enter operation inputs such as a selection of a particular digital sound recording or other portion of the digital content to dispense. (*See* page 11, lines 3-7.) Blackson also teaches a card reader 20 that reads indicia corresponding to account information from a user's card and stores account data and/or information which may be used to identify a user or their accounts. (*See* page 11, lines 12-17.) Thus, Blackson teaches receiving information via a keypad, selection buttons, or card reader but does not teach wirelessly receiving a content request or payment information.

Furthermore, the Applicants do not find where Blackson suggests wirelessly receiving payment information and a content request from a requestor. Blackson considers alternative embodiments for interacting with the ATM. Each of these alternative embodiments, however, such as a touch screen device, a speech recognition system, or a track ball, requires physical interaction with the ATM instead of wireless interaction. (*See* page 11, lines 8-11.) Therefore, Blackson does not teach or suggest wirelessly receiving payment information and a content request from a requestor as recited in independent Claims 8 and 15 and, thus, does not provide a *prima facie* case of obviousness for independent Claims 8 and 15. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 8 and 15 and allow issuance thereof.

V. Comment on References

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

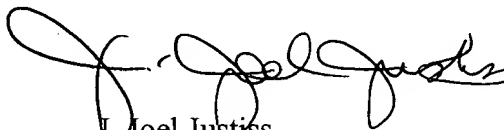
VI. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 4-8, 11-15, and 18-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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